

**REMARKS**

Claims 1-18 remain in the application and claims 1 and 11 have been amended hereby.

Reconsideration is respectfully requested of the rejection of claims 1-10 under 35 USC 103(a), as being unpatentable over Nakatani in view of Ball et al. and Suzuki.

Features of the control unit of the record/playback apparatus according to the present invention are to cause, when a dubbing speed selected by a user is a standard dubbing speed, the start of a recording of data read out from a first recording medium onto a second recording medium at the standard dubbing speed without transmitting basic data for imposing payment to a payment imposing unit. See page 27, lines 14-16 of the present application, for example.

Independent claims 1 and 11 have been amended to recite these features of the present invention.

It is respectfully submitted that the combination of Nakatani in view of Ball et al. and Suzuki fails to show or suggest the control unit causing, when a dubbing speed selected by a user is a standard dubbing speed, the start of a recording of data read out from a first recording medium

onto a second recording medium at the standard dubbing speed without transmitting basic data for imposing payment to a payment imposing unit.

The Office Action at paragraph 5 concedes that the combination of Nakatami and Ball et al. fails to show or suggest the "royalty encoding and accounting means" receiving basic data for imposing payment including a dubbing speed selected by a user and cites Suzuki as curing this deficiency.

It is respectfully submitted that Suzuki fails to show or suggest permitting the dubbing of data, when a user selects a standard dubbing speed, without transmitting basic data for imposing payment to a payment imposing unit. The system of Suzuki always transmits basic data for imposing payment before permitting the dubbing of data.

Accordingly, it is respectfully submitted that amended independent claims 1, and the claims depending therefrom, are patentably distinct over Nakatami in view of Ball et al. and Suzuki.

Reconsideration is respectfully requested of the rejection of claims 11-18 under 35 USC 103(a), as being unpatentable over Ball et al. in view of Suzuki.

The Office Action at paragraph 6 concedes that Ball et


al. fails to show or suggest that an amount of payment is based on received basic data for imposing payment including a dubbing speed selected by a user and cites Suzuki as curing this deficiency.

It is respectfully submitted that Suzuki fails to show or suggest permitting the dubbing of data, when a user selects a standard dubbing speed, without transmitting basic data for imposing payment to a payment imposing unit. The system of Suzuki always transmits basic data for imposing payment before permitting the dubbing of data.

Accordingly, it is respectfully submitted that amended independent claim 11, and the claims depending therefrom, are patentably distinct over Ball et al. in view of Suzuki.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,  
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